



VIRGINIA STATEWIDE FIRE PREVENTION CODE
CITY OF FAIRFAX AMENDMENTS AND ADDITIONAL REGULATIONS
DATED AS OF SEPTEMBER 15, 2012

The City of Fairfax shall enforce the Virginia Statewide Fire Prevention Code (SFPC) promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the additional regulations to this code adopted by the City of Fairfax, Virginia shall be enforced by the city fire marshal, and, under the authority of the fire marshal, the assistant fire marshals and individuals designated according to SFPC section 105.1 and Chapter 42, division II of the Code of the City of Fairfax. The fire marshal and assistant fire marshals shall have all of the powers of the local fire official and the local arson investigator set forth in title 27 of the Code of Virginia, and all of the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the additional regulations to this code adopted by the City of Fairfax, Virginia.

The provisions set forth herein including the additional regulations shall be known as the Virginia Statewide Fire Prevention Code as enforced and adopted by the City of Fairfax and shall be herein referred to as such or as the City of Fairfax Fire Prevention Code or the code.

The City of Fairfax hereby adopts the additional regulations to the Virginia Statewide Fire Prevention Code pursuant to section 27-97 of the Code of Virginia and section F 101.5 of the Virginia Statewide Fire prevention Code as follows:

CHAPTER 1 ADMINISTRATION

Delete and replace section 107.2 as follows:

107.2 Permits required. Permits shall be required as permitted by the SFPC for all operations and processes described and set forth in table 107.2.

Exception. Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

107.2.1 Permit Fees Fees for the permits required by section 107.2 and set forth in table 107.2 shall be as established in the Schedule of Rates and Levies as approved by City Council.

Modify Table 107.2 as follows:

Insert the word "YES" in all rows of the column headed "Permit required."

Add section 107.10.1 as follows:

107.10.1 Unsafe condition. The local fire official may suspend a permit or approval under the SFPC if a violation of this code or ordinance under the fire official's jurisdiction may pose an imminent and substantial endangerment to life, limb or property. In the event that a permit or approval is suspended, the permit holder or operator shall have the right to appeal, the procedures for which shall be those in section 42-94 of the City Code and section 112 of this code. Pending the appeal in a case where the violation may not pose an imminent and substantial endangerment to life, limb or property of any person, the suspension of the permit or approval shall be stayed by the board. Suspensions under this subsection shall remain in effect until the cause of the violation has been ascertained and rectified to meet the requirements of this code or other ordinance under the fire official's jurisdiction as determined by the fire official.

CHAPTER 2 DEFINITIONS

Add to this section the following words, terms and meanings:

FIRE MARSHAL'S OFFICE. The City of Fairfax Fire Marshal, and, under the authority of the fire marshal, assistant fire marshals and other qualified designees per Section 105, also referred to as the fire prevention bureau or the fire official.

IMMEDIATELY. The term "immediately" shall mean without delay.

LEGAL OFFICE. Commonwealth's Attorney for the City of Fairfax, and/or the office of the City Attorney for the City of Fairfax.

OCCUPANT. Any person physically located or situated in or on any property, structure, space or vehicle irrespective of the length of time or the reason for such occupancy.

LOCAL BOARD OF BUILDING CODE APPEALS. The local board hearing appeals of decisions of the building official and fire marshal, also referred to as the city board.

CHAPTER 3 GENERAL REQUIREMENTS

Amend section 308.1.3 by adding the words “or sweating pipe” to the heading and after the words “removing paint from a structure” in the text.

Delete section 308.1.4 and substitute as follows:

308.1.4 Open-flame cooking devices. No charcoal cooker, brazier, hibachi or grill or any gasoline or other flammable liquid or liquefied petroleum gas-fired stove or similar device shall be ignited or used on the balconies or within fifteen (15) feet of any apartment buildings or other structures with similar occupancy. The management of such occupancies which have balconies shall notify their tenants in writing of the code requirement when the tenant initially occupies the apartment and periodically thereafter as may be necessary to ensure compliance.

Exception Cooking devices listed under this section using either electricity or natural gas as a fuel source and listed by a recognized testing authority will be exempt from the prohibitions listed in section 308.1.4. The cooking device shall also be designed or approved for the use of lava rocks or permanent briquettes only.

308.1.4.1 Cooking device storage. The storage of cooking devices using flammable or combustible liquids or liquefied petroleum gas (LPG) as a fuel source shall be prohibited inside, on any balcony, or within fifteen (15) feet of any apartment building or other structure with similar occupancy.

Add section 318 as follows:

SECTION 318. Carnival and Circus

318.1. Access. It shall be the responsibility of the owner, operator or other person responsible for the establishment, erection or operation of any carnival or circus to establish, erect and operate such carnival or circus so that there is provided and maintained an access lane at least eighteen (18) feet in width and capable of supporting fire and rescue apparatus in all weather conditions and so arranged as to afford access to within fifty (50) feet of all booths, tents, rides and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

Add section 319 as follows:

SECTION 319. Storage, Display, Repair

319.1. General. It shall be unlawful to store, display or repair any vehicle, tool or equipment that has a fuel tank that contains a flammable or combustible liquid or liquefied petroleum gas as a source of fuel in or on any building or structure, or part thereof, unless such building or structure is built in accordance with all the requirements of the Virginia Uniform Statewide Building Code. When permitted, all flammable or combustible liquids or liquefied petroleum gas shall be removed from the fuel tanks, fuel lines, carburetor bowls, etc., and properly purged with an approved inert material as specified by the fire official. This section shall not apply to single-family dwellings unless such storage, display or repair is conducted as a business. Such businesses shall then comply with all applicable provisions of the Code of the City of Fairfax.

CHAPTER 5 FIRE SERVICE FEATURES

Amend section 503.1 by adding the words "The fire official shall designate fire lanes on public streets and on private property where necessary to ensure that firefighting and rescue apparatus has the required access to fire department connections, buildings and structures" at the beginning of the section

Add section F-503.3.1 as follows:

503.3.1 Marking. The property owner or designee shall supply and install signs and other required markings to delineate fire lanes as directed by the fire official.

Add section F-503.3.2 as follows:

503.1.2. Specifications. Fire lane markings shall conform to the following specifications:

- (1) Approved fire lane signs must meet the following specifications:
 - (a) Metal construction, dimensions twelve (12) inches by fifteen (15) inches.
 - (b) Red letters on a reflective white background with three-eighths-inch red trim strip around the entire outer edge of the sign.
 - (c) Lettering size to be as follows:
 - "NO PARKING" – 2 inches
 - "OR" – 1 inch
 - "STANDING" – 2 inches
 - "FIRE LANE" – 2 1/2
 - Arrows 1 inch solid
 - Spacing between words to be uniform
 - (d) Other type signs or markings as approved by the fire official.
- (2) Signs shall be posted at intervals and at a height above the finished grade as directed by the fire official.
- (3) Curbing shall be printed yellow within the limits of the fire lane.
- (4) It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this code.

Add section F-503.4.1 as follows:

503.4 Unlawful Use

- (1) It shall be unlawful for any person to park in the designated and marked area, except for school buses that are in the process of receiving or discharging students as long as the bus driver remains with the bus at all times. For the purposes of this subsection, the term "park" shall mean the standing of a vehicle, whether occupied or not, except while obeying traffic regulations, signs or signals or except while involuntarily stopping because of causes beyond the control of the operator of the vehicle.
- (2) In any prosecution under this section, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this code, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute a prima facie evidentiary presumption that such registered owner of the vehicle was the person who parked the vehicle at the place and at the time such violation occurred.
- (3) In addition, the vehicle parked in violation of this section may be impounded by the City of Fairfax Fire Marshal's Office or Police Department and held until the penalty provided and the towing and storage charges incurred are paid.
- (4) This section shall be enforced by the city fire marshal or his staff and the city police department.
- (5) Penalty for violation of this section shall be as specified in section 98-164 of the Code of the City of Fairfax

Delete and replace section 507.5.5 as follows:

507.5.5 No person shall plant or erect any obstruction within four (4) feet of any fire hydrant or of any fire department connection unless otherwise required or approved.

Add section 511 as follows:

SECTION 511. Blocking Exterior Access Doors

511.1. General. In any building or structure where exterior doors are blocked by storage, other use, or otherwise rendered inaccessible or non-usable for fire department access, a permanent durable sign with the words "NO ACCESS" shall be provided on the exterior side of each door. The size of the required lettering shall be six-inch block letters on a contrasting background as approved by the fire official.

**CHAPTER 9
FIRE PROTECTION SYSTEMS**

Amend section 901.6, Inspection, testing and maintenance by adding "and section 901.6.3 of the City of Fairfax Fire Prevention Code."

Add section 901.6.3 as follows:

901.6.3 Faulty alarms. Both manual fire alarm systems and automatic fire alarm and suppression systems shall, in addition to the testing required by section 901.6 of the code, be tested by the occupant/owner of a structure whenever faulty alarms in an occupancy exceed three (3) in any three-month period. The results of the test shall be made available to the fire official.

Add section 901.11 as follows:

901.11. Hydrants and water mains. It shall be unlawful for any person to use, tamper with, damage or destroy any fire hydrant, valve or water main within the city limits, except that fire departments may use such hydrants for firefighting or training purposes. Such hydrants may be used by a person who has obtained a permit for use from the public authority or utility having jurisdiction over these items. A person who has a valid permit shall comply with all policies as outlined on the permit or application and the permit shall be kept on the premises and available for review by the fire marshal.

901.11.1. Obstruction. No person shall plant or erect any obstruction within four (4) feet of any fire hydrant or of any fire department connection unless otherwise required or approved.

**CHAPTER 10
MEANS OF EGRESS**

Add section 1003.8 as follows:

1003.8. Elevator warning signs. Elevator lobby call stations on each floor and all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE – DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use groups R-3 and R-4 shall be exempt from the provisions of this section.

CHAPTER 15 FLAMMABLE FINISHES

Add section 1510.6 as follows:

1510.6 Ignition sources. Smoking or open flames shall not be permitted in an area where floor finish is being applied.

- (1) All sources of ignition shall be removed or cut off prior to applying any floor finishes, i.e. pilot lights, refrigerators, furnaces, etc.
- (2) The structure shall be kept ventilated until floor surface is dry and is not emitting a flammable vapor.

CHAPTER 27 HAZARDOUS MATERIALS, GENERAL PROVISIONS

Add section 2701.7 as follows:

2701.7. Spills and leaks. Any person in charge who witnesses, discovers or otherwise has knowledge of a spill, leak or other release of flammable or combustible liquids shall immediately report such spill, leak or release to the fire official. A person in charge shall initiate appropriate procedures to contain and clean up such a spill, leak or release. The owner, operator and other person in charge of the premises where the spill or leak occurs or of the equipment or vehicle from which the spill or leak emanates shall be responsible for the containment and cleanup of the flammable or combustible liquid and containment of the vapors released there from to the satisfaction of the fire official and for the disposal of waste. For the purposes of this subsection, the phrase "person in charge" shall mean any firm, corporation or person, even a person of low rank or authority, who is solely or jointly in control of all or any portion of a premises, facility, building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical or condition regulated by this code. A person in charge includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant or other person.

2701.7.1 Reports A written report describing the cause, location and amount of the spill, leak or release, and describing the containment and cleanup actions related thereto, shall be submitted by the owner, operator or permit holder to the fire official within seven (7) calendar days after the spill, leak or release.

Add section 2706 as follows:

SECTION 2706. Tank Vehicles

2706.1 Parking. Tank vehicles shall not be parked or left unattended on any street, highway, avenue or alley, provided that this restriction shall not prevent a driver from the necessary absence from the vehicle in connection with the delivery of the load, except that during actual discharge of the liquid, some responsible person shall be present at the vehicle. Tank vehicles shall ONLY be parked out-of-doors at bulk petroleum storage facilities or other locations approved by the fire official.

2706.2 Smoking. It shall be unlawful for any driver, operator, attendant or passenger to smoke in or around any tank vehicle which hauls any flammable or combustible liquid. It shall be unlawful to load or unload wherever there is smoking, lighting of matches, or other flame or spark-producing devices or the carrying of any flame or lighted cigar, pipe cigarette.

2706.3. Driver responsibility. At all times before, during and after the discharging of any flammable or combustible liquid from any tank vehicle, the driver, operator or attendant of such vehicle shall take all necessary precautions to prevent the overflow of any tank or other equipment into which such vehicle is discharging flammable or combustible liquids. At all times before, during and after the receiving of any flammable or combustible liquid into any tank vehicle, the

driver, operator or attendant of such vehicle shall take all necessary precautions to prevent the overflow of such tank vehicle or other equipment into which flammable or combustible liquids are received. As used in this section, the term "overflow" includes spillage of flammable or combustible liquids from any cause whether or not the tank or other equipment is filled to capacity.

2706.4 Maintenance. Tank vehicles operating within the city while in transit into or out of the city shall be maintained in accordance with the federal regulations contained in parts 390 through 397 of title 49, Code of Federal Regulations. Part 397.3 of Title 49 requires that all motor vehicles carrying hazardous materials comply with state and local laws, ordinances and regulations, unless the regulations of the U.S. Department of Transportation apply and are more strict. Pursuant to the authority granted in section 18.2-278.4 of the Code of Virginia (1950), as amended, any duly sworn law enforcement officer of the city, including the fire official, chief fire marshal and assistant fire marshals may halt any tank vehicle which is observed to have a condition or characteristic which indicates that there is a violation of city, state or federal regulations governing the transportation of hazardous materials. The vehicle may be detained long enough to determine whether the permits required for transporting hazardous materials have been obtained, whether the cargo is secure, and whether the observed condition or characteristic presents a immediate threat of a transportation related spill or other catastrophic event. The tank vehicle may resume operation if it is found to be in good repair and free of leaks in accordance with NFPA 385. If that finding is not made, the vehicle shall not be detained any longer than necessary for the officer or official to determine that arrangements for the repair of the vehicle where situated, or for its removal to a safe place and repair there, whichever in the judgment of the officer or official is appropriate, are made. Upon refusal of the operator to make arrangements required by the officer or official, the vehicle shall be impounded and held until the repair is made or until the officer or official is certain that it will be made.

CHAPTER 33 EXPLOSIVES AND FIREWORKS

Section 3301.1.3 Fireworks, delete exception # 2

Add section 3301.2.2.1 as follows:

-3301.2.2.1. Permit for sale of fireworks. It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any fireworks within the city without a permit from the fire marshal. This permit shall be valid for the time period specified therein. The maximum time period shall be from June 1 to July 15 of each year. Such permit holders shall comply with all City of Fairfax ordinances, rules and regulations applicable to such sites. The sale of fireworks at retail shall be done only from a fixed location approved by the fire marshal and indicated on the permit.

Modify section 3301.2.4 by replacing "the sum of \$500,000" with the "sum of \$5,000,000"

Modify section 3301.2.4.1 by replacing "the sum of \$500,000" with the "sum of \$5,000,000"

Modify section 3301.2.4.2 by replacing "the sum of \$500,000" with "the sum of \$5,000,000"

Add section 3301.2.4.3 as follows:

3301.2.4.3. Insurance requirements and allocations of risk of loss. Permits for the sale of fireworks and for the display of outdoor fireworks shall be issued only after the applicant files with the fire marshal a certificate of insurance, in a form acceptable to the fire marshal, which shows proof that the applicant has commercial general liability coverage with at least five million dollars (\$5,000,000.00) combined single limit of liability for bodily injury and property damage. The certificate of insurance must show that such liability coverage extends to the fireworks activities for which application is made. The insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the sale of fireworks or display of outdoor fireworks. The applicant shall ensure, and provide evidence required by the fire marshal, that the insurance policy is in full

force [and] effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed and all permit requirements are satisfied.

The certificate of insurance shall name the applicant, each sponsor, the property owner or owners of the real estate upon which the permitted activities will occur, the city, and its officers, elected officials, agents and employees as additional insured under the general-liability policy for the permit period. The certificate of insurance shall require that the insurer provide, to the certificate holder, thirty (30) days prior written notice of cancellation, for any reason, of the required insurance coverage. The applicant shall also provide, to the fire marshal, thirty (30) days prior written notice of insurance cancellation.

In addition to general liability insurance, the applicant shall secure the workers' compensation coverage in the amounts required by law.

The intent of this section is to insure that risk of loss resulting from the activities authorized by the permit is allocated to the permit holder and insurer.

Add section 3301.2.4.4 as follows:

3301.2.4.5 Permit application and content. Each application for a permit to sell fireworks or display outdoor fireworks shall be submitted to the fire marshal in a form prescribed by the fire marshal. All permits required by federal, state, [and] local government entities, other than the city, authorizing the sale or display of fireworks and all required city inspection fees shall be submitted with each application. Each permit application shall be submitted to the fire marshal fifteen (15) days before the date set for the use of such permit.

Add section 3301.1.3.1 as follows:

3301.1.3.1 Sale or storage. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the property owner or owners. The sale of fireworks to minors is prohibited. The sale of fireworks by minors is prohibited.

Add section F 3301.1.3.2 as follows:

3301.1.3.2 Approval of fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the city fire marshal for approval at least five (5) samples of the fireworks intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks so submitted. Such samples, specifications and chemical analyses shall be submitted to the fire marshal no later than ninety (90) days prior to the proposed sale date of the fireworks in the city. No wholesaler shall sell or deliver in the city any fireworks other than those so approved. The City of Fairfax may jointly, with Fairfax County and other localities, test the fireworks submitted for approval.

Add section 3301.1.3.3 as follows:

3301.1.3.3 Records to be kept by wholesaler and retailer. Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks. Each retailer shall maintain full and complete records, containing information required by the fire marshal, of where all fireworks were purchased. The fire marshal or his designated agent is authorized to examine the books and records of any wholesaler or retailer as such books and records relate to the purchases and sales of fireworks within the city.

Add section 3301.1.3.4 as follows:

3301.1.3.4. Seizure and destruction of certain fireworks. Any City of Fairfax law enforcement officer arresting any person for a violation of this article shall seize the fireworks in question in the possession or under the control of any person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction be entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction. Any fire marshal encountering fireworks in violation of this code shall seize such fireworks and shall hold such until final disposition of any criminal procedures related to the violation. If a judgment of conviction be entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.

Where no criminal proceedings can be instituted due to lack of knowledge as to who owns or is responsible for the fireworks, the fireworks in question may be immediately seized and may be destroyed after thirty (30) days.

Add section 3301.1.3.5 as follows:

3301.1.3.5. Seizure of fireworks. The fire marshal shall seize, take, remove or cause to be removed at the expense of the permit holder, all stocks of fireworks that are offered or exposed for display or sale, or are stored or held in violation of this article.

Add the following definitions to section 3302.1 Definitions:

APPROVED Approved by the city fire marshal

RETAILER Any person selling fireworks or offering fireworks for sale at retail.

WHOLESALE. A person, firm or corporation offering fireworks for sale or selling fireworks to a retailer- Such term shall include a manufacturer of fireworks, a representative of any such manufacturer, a distributor, a jobber and a middleman of any description dealing in fireworks, any of who shall sell or offer to sell fireworks to a retailer within the city.

Modify the definition of “Permissible Fireworks” by adding the words “approved by the city fire marshal” **to the end of the sentence and further add:** “Such approved fireworks shall have a hard-coated or slow-burning fuse at least one and one-half (1 1/2) inches long with a burning rate of not less than four (4) seconds. Such approved fireworks shall not be used on public property. Such approved fireworks may be used on private property with the approval of the property owner. Any fireworks which explode or which emit flame or sparks to a distance greater than fifteen (15) feet or perform as a projectile or have a quick match fuse are prohibited.”

Add section F3303.1.1 as follows:

3303.1.1 Records. Daily records shall be kept as to the amount of explosives received from a supplier and delivered to the magazine. Also, a daily record shall be kept of the explosives removed from the magazine for daily use and the amount of explosives returned. This record will be kept within the magazine so that on inspection of the magazine accountability for all explosives shall be broken down to the different types stored and used.

Add section 3307.17 as follows:

3307.17 Vehicle permit. Each vehicle transporting explosives within the city shall be required to obtain a vehicle permit from the fire official. The permit shall be valid for six (6) months and shall be revoked for failure to maintain the vehicle in a safe operating condition.

Add section 3310 as follows:

SECTION 3310. Model Rocketry

3310.1.1. Design, construction and use of model rockets. The design, construction and use of model rockets shall be reasonably safe to person and property. Evidence that design, construction and use of model rockets is in accordance with NFPA 1122 as listed in Appendix A of this Code shall be evidence that such design, construction and use provides reasonable safety to persons and property. Any type of rocketry, other than that described in the definition of model rocketry as set forth in NFPA 1122